

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

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LAWRENCE SCHWARTZWALD,

Plaintiff,

-against-

19 **CIVIL** 9938 (RA)

**JUDGMENT**

OATH, INC.,

Defendant.

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It is hereby **ORDERED, ADJUDGED AND DECREED:** That for the reasons stated in the Court's Opinion and Order dated September 10, 2020, the Court holds that Oath's use of the Photograph constituted fair use and grants Oath's motion to dismiss. As Schwartzwald . already amended his Complaint once in response to Oath's initial motion to dismiss and "in the absence of any indication that [he] could or would provide additional allegations that might lead to a different result," the First Amended Complaint is dismissed with prejudice. *Gallop v. Cheney*, 642 F.3d 364, 369 (2d Cir. 2011); accordingly, this case is closed.

**Dated:** New York, New York

September 10, 2020

**RUBY J. KRAJICK**

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**Clerk of Court**

**BY:**

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*K. mango*

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**Deputy Clerk**